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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,094	07/29/2003	Brian P. Giffin	14558.01	6379

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EXAMINER

DEUBLE, MARK A

ART UNIT	PAPER NUMBER
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3651

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/629,094	Applicant(s) GIFFIN, BRIAN P.	
	Examiner Mark A. Deuble	Art Unit 3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-13 and 15-20 is/are rejected.
- 7) ☒ Claim(s) 14 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |



DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the feeder hopper of claim 16 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the

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following is required: The specification must provide antecedent basis for the terms “feeder hopper”, “feeder conveyor”, and “carrier conveyor” used in claim 16.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5-7 and 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Cordia et al. (U.S. Patent No. 5,341,915).

Cordia et al. shows a method of delivering articles, which could be blanks, to a module by providing a first conveyor formed by sections 20 and 21 that sequentially receive articles in an end-to-end relationship. The first conveyor receives the articles when operating at a first velocity matching the velocity of the incoming blanks and then accelerates the blanks to a second velocity that matches the speed of a second conveyor 11 in response to the detection of a leading edge of the article with a photodetector P1 so that the articles may be transferred from the first conveyor to the second conveyor. After the article is transferred, the velocity of the first conveyor is reduced after a predetermined period of time in response to the sensing of the article by the photodetector so that the article on the first conveyor immediately adjacent the transferred article travels at a different velocity than the transferred article. The cycle is repeated for each article being transferred and is controlled by a controller 60 that calculates the delay time of the cycle. The calculation of the delay time would inherently be based on the length of the articles being transferred. Thus, Cordia et al. operates with all the steps required by claims 1-7 and 9-12.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 5-12 and 15-16, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Long (U.S. Patent No. 5,129,641) in view of Cordia et al.

Long shows an apparatus for transferring blanks in a conveyance mechanism comprising a feeder hopper that receives a plurality of substantially identical blanks and sequentially dispenses them to a feeder conveyor 18b including upper and lower belts 20 and 24 with receiving and discharge ends and a nip point at the receiving end. The feed conveyor is operably coupled with the feeder hopper through the conveyor 18c to receive a plurality of planks dispensed from the feeder hopper. A servo motor that is capable of acceleration from a first velocity to a second velocity and deceleration from the second velocity to the first velocity is operably coupled with the feeder conveyor to drive the feeder conveyor. A carrier conveyor is positioned proximate the feeder conveyor so that a nip point between rollers 22 and 26 supporting upper and lower belts 20 and 24 is located so that blanks may be fed from the feeder conveyor into the nip and received by the carrier conveyor. A photodetector 42B is positioned to detect the position of a leading edge of a given one of the blanks on the feeder conveyor as they approach the carrier conveyor. Thus Long shows generally all required by the claims except for a controller operably coupled to the servo motor and the blank detector which increased the speed of the feeder conveyor from the first velocity to the second velocity in response to the

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blank detector detecting the position of a given blank and to decrease the feeder conveyor from the second velocity to the first in response to the blank detector detecting the position of a given blank. However, Cordia et al. shows a conveyor system that employs a controller 60 operably coupled to a servo motor 64 of a feeder conveyor and an article detector P1 which increases the speed of the feeder conveyor from a first velocity to a second velocity matching the speed of a feeder conveyor 11 in response to the detector detecting the position of a given blank and to decrease the feeder conveyor from the second velocity to the first in response to the blank detector detecting the position of a given blank. Cordia et al. teaches that that controlling the conveyors in this fashion advantageously allows a continuously moving stream of articles input to the feeder conveyor with any varied spacing to be precisely discharged at to a carrier conveyor at the speed of the carrier conveyor. Therefore it would have been obvious to provide the apparatus of Long with the control of Cordia et al. to ensure the precise discharge of blanks from the feeder conveyor. When this is done, Long would have all the structure required by claims 16 and 18-20 and operate with all the steps required by claims 1-12 and 15.

5. Claims 1-3, 5-13, 15 and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Long in view of Cordia et al. as applied to claim 1-12 and 15-16, and 18-20 above, and further in view of Delsanto (U.S. patent No. 5,038,915).

Long and Cordia et al. show generally all the steps required by the claims except for the user interface of claim 17 and the step of entering a blank length, first and second velocities into the controller of claim 13. However, Delsanto teaches that the length of each article in a conveyor of the type shows in long and Cordia et al. may be set into the controller formed by PLCs 80, 82, and 84 with an interface formed by a thumbwheel switch 70. Furthermore, first

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and second velocities are automatically entered into the controller from a tachometer 40 and motor output line 76. The length and velocities are used to calculate the length of the conveyor cycles. Delsanto teaches that this arrangement advantageously allows different length products to be transferred by the system. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the apparatus of Long and Cordia et al. with the interface and controller of Delsanto. When this is done, the resulting apparatus would have all the structure required by claims 16-20 and operate with all the steps required by claims 1-3, 5-13, and 15.

Allowable Subject Matter

6. Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited art not discussed above all show methods and apparatuses for transferring articles that are similar to that of the present invention.

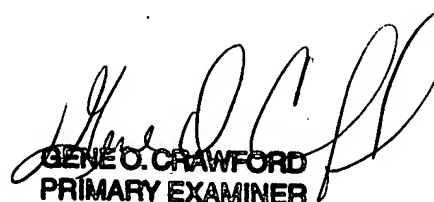
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Deuble whose telephone number is (571) 272-6912. The examiner can normally be reached on Monday through Friday except for alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene O. Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

md


GENE O. CRAWFORD
PRIMARY EXAMINER